

Atty. Dkt. No. 025782-0113

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 8-10, 17, and 24 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-25 are now pending in this application.

Claim Rejections – 35 U.S.C. § 103

In Section 2 of the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Weiner et al. (U.S. Publication No. 2003/0206116) in view of Johnson et al. (U.S. Patent No. 5,553,094). Applicants respectfully submit that independent claim 1 has been amended to include the recitation that the program is “configured to send at the time, a registration message to an e-mail messaging service provider server to identify the handheld computer to deliver any e-mail messages that may be awaiting delivery to the handheld computer.” Applicants acknowledge that a portion of the amended limitation was rejected in Section 4 of the Office Action, has been imported from original claim 8. Applicants acknowledge that dependent claim 8 was rejected over Weiner et al. in view of Johnson et al. and further in view of Owensby (U.S. Patent No. 6,647,257). The Examiner indicated that “Owensby teaches that the program is configured to cause registration with a messaging service provider server when the wireless link is established (col.4, line 55–col.5, lines 1-7)”. The registration which is referred to in Owensby differs substantially from the type of registration that is done in accordance with Applicants’ invention. Owensby describes subscriber registration in which demographic and personal preference data pertaining to a subscriber is collected from the

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subscriber at the time the subscriber initially enrolls with the operator of the wireless mobile communication service. Accordingly, what is described in Owensby is a collection of personal profile data provided to the service provider at the time a user of a mobile phone signs up for a mobile phone service.

The process of registering the handheld computer or portable electronic device described by Applicants refers to the process in which a mobile device attempts to obtain a wireless connection with a messaging server and identifies the mobile device to the messaging server such that messages addressed for the particular mobile device may be routed to the mobile device over the wireless link or connection. Therefore, no combination of Weiner et al., Johnson et al., and Owensby discloses, teaches, or suggests all of the elements recited in amended independent claim 1. Further, the references do not provide any motivation for combining the teachings together to provide a handheld computer which is configured for e-mail messaging and that establishes a wireless link with a communications network at a time approximating a predetermined time, where the time is selected at random with a predetermined interval to establish the wireless link and further to register the device with a messaging service provider server and then automatically delivering any e-mail messages that may be waiting from the e-mail messaging server to the handheld computer. All of these limitations are not taught by the references and therefore the combination of references does not render independent claim 1 obvious. Accordingly, independent claim 1 and its respective dependent claims are therefore allowable.

In Section 5 of the Office Action, the Examiner rejected claims 9, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. in view of Weiner et al. Amended independent claim 9 recites, among other limitations, "sending automatically at the link time a registration message to a messaging service provider server to identify the portable electronic device attempting to establish the wireless link; and delivering any queued messages awaiting delivery to the portable electronic device from the messaging server." The combination of Johnson et al. and Weiner et al. does not provide any teaching relating to automatically sending a

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{registration message to the messaging service provider server to identify the portable electronic device or delivering any queued messages awaiting delivery to the portable electronic device.

With the inclusion of Owensby, the rationale with respect to independent claim 1 also applies, that is, Owensby does not teach the type of registration which Applicants' invention refers.

Applicants describe registering the portable electronic device with the messaging server which identifies the particular portable electronic device and indicates it is available for delivery of any e-mail messages or other communications over the wireless link established.

Referring to independent claim 17, independent claim 17 is amended to recite "the program is configured to cause registration of the portable electronic device with a messaging server, thereby identifying the portable electronic device to the server. The Examiner has rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Weiner et al. in view of Gollnick et al. (U.S. Patent No. 5,940,771). The Examiner indicates that Gollnick et al. teaches that the portable electronic device includes a wake mode in which the wireless link is established and messages may be sent and received by the portable electronic device and a sleep mode in which the wireless link is not established, and messages may not be sent and received by the portable electronic device, the portable electronic device including a program to randomly select at a time to transition from the sleep mode to the wake mode during a predetermined time interval. However, Applicants respectfully submit that there is no discussion in Gollnick et al. of the registration of the portable electronic device with a messaging server which identifies the portable electronic device to the server. Further, the addition of Owensby does not provide the registration limitation as discussed above. Further still, what is disclosed in Gollnick et al. is a situation in which the base stations indicate to the terminal that a pending message is waiting to be delivered and the receiver terminal then wakes from a sleep mode. However, what is not taught in Gollnick et al. is that the portable electronic device wakes from the sleep mode at a randomly selected time chosen within a time interval, not that the portable electronic device is woken by an incoming message. Accordingly, independent claim 17 is not obvious over Weiner et al. in view of Gollnick et al. and/or further in view of Owensby. Therefore, independent claim 17 and its dependent claims are allowable.

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Applicants believe that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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